

PLAINTIFF'S EXHIBIT M

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LATHIERIAL BOYD,)
)
Plaintiff,)
)
vs.) No. 13-cv-7152
)
CITY OF CHICAGO, et al.,)
)
Defendants.)

The deposition of JOEY KELLY, called for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before KELLY A. BRICHETTO, CSR No. 84-3252, a Notary Public and Certified Shorthand Reporter, of the State of Illinois, taken at 77 West Wacker Drive, 31st Floor, Chicago, Illinois, on the 19th day of November, 2015, at 11:00 a.m.

1 your apartment during the search?

2 A. A picture and paperwork.

3 Q. What sort of picture did you see Detective
4 Zuley remove from your apartment?

5 A. A picture of Lathierial in front of the
6 Jaguar.

7 Q. What Jaguar?

8 A. The one his brother owned.

9 Q. This is the white Jaguar owned by Archie
10 Boyd?

11 A. Correct.

12 Q. Where did Detective Zuley find that picture
13 in your apartment?

14 A. On my desk.

15 Q. It was on your desk?

16 A. Yes.

17 Q. Sitting out on the desk?

18 A. Yes.

19 Q. Was it in a picture frame?

20 A. No.

21 Q. It was just sitting loose on the desk?

22 A. Just sitting on the desk, yes.

23 Q. Where was your desk located?

24 A. In the dining room.

1 testified to.

2 THE WITNESS: Right.

3 BY MS. RALPH:

4 Q. So you recall that there was one post-it note
5 Detective Zuley removed that said the Godfather on it;
6 correct?

7 A. Yes.

8 Q. Was anything else written on that post-it
9 note?

10 A. I don't remember.

11 Q. You don't remember anything else being
12 written on that post-it note that said the Godfather?

13 A. No.

14 Q. And you saw Detective Zuley remove that piece
15 or that post-it note from the lamp or from the desk?

16 A. I don't know if that one was on the desk or
17 on the lamp.

18 Q. What did the Godfather mean? Why did you
19 have a post-it note with the Godfather written on it?

20 A. I didn't write it.

21 Q. But you had it sitting in your apartment;
22 correct?

23 A. Correct.

24 Q. Do you know what -- what was it?

1 A. My brother Kerry could have wrote it. I --

2 Q. You didn't write it?

3 A. I didn't write it, no.

4 Q. And you don't know anything about what that
5 post-it note meant?

6 A. No.

7 Q. Do you know who the Godfather is?

8 A. No.

9 Q. Do you know if it was a reference to
10 something?

11 A. No, I can't say.

12 Q. So it wasn't your post-it note but it was
13 sitting on your desk?

14 A. Yes.

15 Q. And you don't -- do you know who wrote that
16 post-it note?

17 A. No.

18 Q. All right. And then this other post-it note
19 that Jackson Bay showed you, that post-it note is
20 different than the Godfather note; correct?

21 A. Yes.

22 Q. What did that note say?

23 A. Rat.

24 Q. Rat. Was anything else written on that, the

1 copy of the post-it note that Jackson Bay showed you?

2 A. And some numbers.

3 Q. What kind of numbers?

4 A. I guess they were weights for drugs or
5 something.

6 Q. All right. Was anything else written on this
7 post-it note other than the word Rat and some numbers and
8 weights for drugs?

9 A. I think that was it.

10 Q. Were there any phone numbers written on it?

11 A. I don't think so.

12 Q. Do you remember any other names being written
13 on that post-it note?

14 A. No.

15 Q. So far as you know, Rat was the only name
16 written on that post-it note?

17 A. Rat, yes.

18 Q. And the first time you saw that post-it note
19 was when Jackson Bay showed you a photo of it?

20 A. Yes.

21 MR. JOHNSON: Objection, mischaracterizes
22 testimony.

23 BY MS. RALPH:

24 Q. Yes?

EXAMINATION

BY MR. NOLAND:

Q. How did you get here today?

A. Jim Kirby gave me a ride.

Q. How are you getting back?

A. He'll give me a ride, this attorney here.

Q. Doug Johnson?

A. Yes.

MR. NOLAND: That's all I have.

MR. JOHNSON: I'll just put -- well, I have some questions. I just want to put on the record I believe we agreed between us to facilitate this deposition by getting Mr. Boyd here.

EXAMINATION

BY MR. JOHNSON:

Q. Just a couple questions because I think it got very confused earlier, Mr. Boyd.

A. Kelly.

Q. I'm sorry, Mr. Kelly. Sorry. It's been a long day. You may have gotten confused earlier. I want to ask you did you see Detective Zuley take all of the post-it notes when he searched your home?

A. Yes.

Q. Did you see Detective Zuley take the post-it

1 note that said Rat when he searched your home?

2 A. Yes.

3 Q. Did you see him take that post-it note that
4 said Rat with the numbers on it when he searched your
5 home?

6 MS. FORDYCE: Objection, leading.

7 BY THE WITNESS:

8 A. Yes.

9 BY MR. JOHNSON:

10 Q. Did you see him take the post-it note that
11 said Godfather?

12 A. Yes.

13 MS. FORDYCE: Same objection.

14 BY MR. JOHNSON:

15 Q. Before counsel asked you the first time you
16 saw something shown to you by Jackson Bay, something
17 about was that the first time you saw the note. Do you
18 remember talking about that?

19 A. Yes.

20 Q. Can you tell us what you meant when you
21 suggested that that was the first time you saw the note?

22 A. The first time I had seen it on a copy. It
23 was on a piece of paper, but it was copied. That's the
24 first time I had ever seen it like that.

1 Q. So what you meant by that was Mr. Jackson Bay
2 showed you something that was a post-it note on a copy?

3 A. On a copy. He didn't have the actual paper.
4 It was copied on a piece of paper, plain, white paper.

5 Q. All right. And have you talked to Lathierial
6 Boyd since he was released from prison?

7 A. No.

8 MR. JOHNSON: I have nothing further.

9 MS. RALPH: I just have a few follow-up
10 questions. I'm going to introduce what we're going to
11 mark Exhibit 4.

12 MR. JOHNSON: I just have one more.

13 Q. When you talked to Ricky Warner --

14 A. Yes.

15 Q. -- that conversation, you recall testifying
16 about that?

17 A. Yes.

18 Q. -- did he make it clear to you that he had
19 been strongly pressured by the police to identify
20 Lathierial Boyd as the shooter?

21 MS. FORDYCE: Objection, leading.

22 MR. NOLAND: Object to the form of the
23 question.

24 BY THE WITNESS:

1 A. Yes.

2 BY MR. JOHNSON:

3 Q. Did he make it clear he did not know who shot
4 him?

5 A. Yes.

6 Q. Did he make it clear that Lathierial Boyd did
7 not shoot him?

8 MS. FORDYCE: Same objection.

9 BY THE WITNESS:

10 A. Yes.

11 MR. JOHNSON: All right. I have nothing
12 further.

13 FURTHER EXAMINATION

14 BY MS. RALPH:

15 Q. I'm going to have our court reporter hand you
16 what we're marking Exhibit 4.

17 (Exhibit No. 4 marked as
18 requested.)

19 Mr. Kelly, do you see Exhibit 4 that we've
20 just handed you is a photograph of a piece of paper?

21 A. Yes.

22 Q. And that piece of paper has a Federal Express
23 logo on it?

24 A. Yes.

1 Q. Do you recognize that piece of paper?

2 A. Yes.

3 Q. Is this one of the post-it notes that we've
4 been talking about today?

5 A. Yes.

6 Q. And it's your testimony under oath as you sit
7 here today that you saw Detective Richard Zuley take that
8 piece of paper from your apartment --

9 A. Yes.

10 Q. -- during the search?

11 A. Yes.

12 Q. And you saw him take another piece of paper
13 also with a Federal Express logo that said the Godfather?

14 A. Yes.

15 Q. I believe you told me earlier there were four
16 to five Federal Express post-it notes that you saw taken
17 from your home; correct?

18 A. Correct.

19 Q. Earlier you told me you couldn't recall the
20 writing on any of those notes other than the Godfather;
21 correct?

22 MR. JOHNSON: Objection. That
23 mischaracterizes his testimony. It's been asked and
24 answered.

1 BY MS. RALPH:

2 Q. You can answer the question.

3 A. Repeat the question.

4 MS. RALPH: Can you read it back to him?

5 (Requested portion of the
6 record read.)

7 BY THE WITNESS:

8 A. Yes.

9 BY MS. RALPH:

10 Q. But now as you sit here you recall that one
11 of the notes contained the handwriting on that piece of
12 paper; is that correct?

13 A. Yes.

14 Q. Mr. Kelly, have you ever at any point in time
15 when you discussed the search of your apartment ever
16 denied that the search ever happened?

17 A. No.

18 Q. Have you in any conversation you've ever had
19 with anyone, be it a lawyer for Mr. Boyd, a television
20 reporter or one of your family members, ever denied that
21 Chicago Police Department detectives took items from your
22 home?

23 A. No.

24 Q. Have you ever denied in any conversations